

**DRAFT**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
September 23, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Eirik Heikes, John Herr, Haven Stuck, Eric Ottenbacher and Vince Vidal.

MEMBERS ABSENT: Mike Quasney

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Sarah Hanzel, Tim Behlings, Chip Premus, Todd Peckosh, Wade Nyberg, Kinsley Groote and Rebel VanLoh.

Braun called the meeting to order at 7:40 a.m.

**Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.**

**Motion by Vidal, seconded by Gollhofer and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the September 9, 2021 Planning Commission Meeting Minutes.
2. No. 21PL088 - Arches Addition  
A request by Renner Associates, LLC for Barry Zelickson to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 2R and Lot 3 of Tract 4R of Arches Addition, legally described as Lot 2 of Tract 4R of Arches Addition, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2700 Mt. Rushmore Road.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. **Prior to submittal of a Final Plat application, the plat shall be revised to show the dedication of four additional feet of right-of-way and an additional five feet of right-of-way the first 200 feet as the street extends south from Cathedral Drive or an Exception shall be obtained. If an Exception is obtained, a copy of the approval document shall be submitted with the Final Plat application.**
2. **Prior to submittal of a Final Plat application, a utility easement shall be dedicated for the water main along the 30-foot wide access and utility easement extending at least 5 feet north of the existing main to allow access and maintenance of the water main; and,**
3. **Prior to submittal of a Final Plat application, the plat document shall be revised to show bearings and distances**

3. No. 21PL090 - Victra Subdivision No. 2

A request by D.C. Scott Co. Land Surveyors Inc for Gregory Harberts, Trustee to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Victra Subdivision No 2, legally described as the S1/2 of the S1/2 of the N1/2 of the SW1/4; a portion of the S1/2 of the SW1/4, less Victra Subdivision, less right-of-way, located in Section 12, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 7400 Longview Road.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. **Prior to submittal of a Final Plat application, the plat document shall show the dedication of 50 feet of right-of-way on Long View Road;**
2. **Prior to submittal of a Final Plat application, approach permits for the existing approaches shall be filed with the Pennington County Highway Department. In addition, copies of the approach permits shall be submitted with the Final Plat application;**
3. **Prior to submittal of a Final Plat, construction plans shall be submitted for review and approval providing property line sidewalks along Long View Road or a Variance shall be obtained from the City Council; and,**
4. **Upon submittal of a Final Plat application, the plat document shall continue to show the dedication of 17 additional feet of right-of-way along Long View Road.**

\*4. No. 21UR017 - Section 28, T2N, R8E

A request by Holly L. Wannigman to consider an application for a **Conditional Use Permit to allow a kennel with over-night boarding and daycare facility** for Lot 2 of Lot A of the SW1/4 of the SE1/4, located in Section 28, T2N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 3306 Edwards Street.

**Planning Commission approved the Conditional use Permit to allow a kennel with overnight boarding and day care facility with the following stipulations:**

1. **Prior to the operation of the facility, the applicant shall obtain the necessary kenneling and pet daycare licenses through the Humane Society of the Black Hills pursuant to Ordinance 6456;**
2. **Upon submittal of a building permit, the site plan shall be revised to accurately reflect the lot dimensions and show all landscaping in compliance with the Landscape Regulations. Specifically, based on the lot size and building footprint, 50,285 landscaping points shall be provided through non-artificial trees, shrubs, and/or ground cover and shall be maintained in a live manner;**
3. **The applicant shall obtain a building permit prior to any construction. The applicant shall obtain a Certificate of Occupancy prior to occupancy of the building;**
4. **All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as part of this Conditional Use Permit. The addition of electronic or LED signage shall require a Major Amendment to the Conditional use Permit. A sign permit is required for any new signs; and,**

5. Any expansion or relocation of the proposed kennel with overnight boarding and pet daycare shall require the review and approval of a Major Amendment to the Conditional Use Permit. All uses permitted in the Light Industrial District shall be permitted with approval of a Building Permit and contingent upon sufficient parking being provided. Any change in use or expansion of use that is a Conditional Use in the Light Industrial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

*The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.*

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

\*5. No. 21PD030 - Rushmore Mall

A request by Michael Thibault to consider an application for a **Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with a virtual golf course** for Tract A and B of Lot 2 (also in T2N, R8E), Rushmore Mall, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North Maple Avenue, Suite 458.

Hanzel presented the application and reviewed the associated slides and gave a brief overview of how the business will operate, noting that as there are no conflicts with the request for on-sale liquor with any other business or properties within the area and stated staff recommends approval of the application with the stipulations listed in the project report.

Discussion was had regarding the number of liquor licenses in the area and the operations plan for the sale of beer and wine.

Fisher verified that the Zoning Ordinance requires any applications for alcohol sales must be advertised as on-sale liquor whether it is only beer and wine sales or a full liquor license.

**Vidal motioned, Caesar seconded and the Planning Commission approved the Major Amendment to the Planned Development Overlay to allow an indoor dog park with on-sale liquor with the following stipulations:**

1. **No sale or consumption of alcohol shall be allowed on the outdoor patio area;**
2. **All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development**

**Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,**

- 3. The Major Amendment to the Planned Development Overlay shall allow for a virtual golf facility with on-sale liquor operated in compliance with the applicant's operational plan. Any change in use or expansion of use that is permitted in the Community Shopping Center-2 District shall require review and approval of a Minimal Amendment to the Planned Development Overlay. Any change in use or expansion of use that is a Conditional Use in the Community Shopping Center-2 District shall require review and approval of a Major Amendment to the Final Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

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\*6. No. 21PD031 - Diamond Ridge Subdivision

A request by KTM Design Solutions, Inc for Yasmeeen Dream II, LLC to consider an application for an **Initial Planned Development Overlay to allow an apartment complex** for a portion of the east 910 feet of Government Lot 4, Section 4, T1N, R8E, BHM, City Of Rapid City, Pennington County, South Dakota, commencing at the southwest corner of Government Lot 4 of Section 4, T1N, R8E, BHM, being monumented by a 5/8 inch rebar, Thence S87°57'31"E, 413.37 feet to the point of beginning; Thence (1) N2°07'16"E, 1,298.69 feet; Thence (2) S88°01'24"E, 598.03 feet; Thence (3) South 2°08'20" West, 946.15 feet; Thence (4) N87°51'49"W, 10.87 feet to the beginning of a non-tangent curve; Thence (5) westerly along said curve turning to the right with an arc length of 24.19 feet, with a radius of 30.00 feet, with a chord bearing of N64°45'47"W, with a chord length of 23.54 feet to the beginning of a curve; Thence (6) westerly along said curve turning to the left with an arc length of 248.62 feet, with a radius of 52.00 feet, with a chord bearing of S01°36'27"W, with a chord length of 70.97 feet to the beginning of a curve; Thence (7) easterly along said curve turning to the right with an arc length of 24.87 feet, with a radius of 30.00 feet, with a chord bearing of N68°23'17"E, with a chord length of 24.16 feet; Thence (8) S87°51'49"E, 9.75 feet; Thence (9) S2°08'20"W, 301.21 feet; Thence (10) N87°57'31"W, 597.63 feet, more generally described as being located west of Radiant Avenue and Diamond Ridge Boulevard intersection.

Bauer presented the application and reviewed the associated slides noting that staff supports the request for an exception to waive the requirement for landscaping islands as the layout of the parking lot contains a large number of peninsulas and does not lend itself to landscaping islands. Bauer stated that staff

recommends approval of the application with the stipulations listed in the project report.

Discussion was had regarding the capacity of the community space within the apartment complex, traffic needs and construction of streets. Fisher responded noting the property is being platted to create the lot and this is just an Initial Planned Development to secure the exception to the landscaping islands. The full plans along with a master plan will be submitted for the Final Planned Development and will include the information required by the stipulations of approval which include a traffic impact study that will help identify the traffic needs for street improvements and construction.

**Vidal motioned, Bulman seconded and Planning Commission approved the Initial Planned Development Overlay with the following stipulations:**

- 1. An Exception is hereby granted to reduce the number of required landscaping islands from six to zero.**
- 2. Prior to issuance of a Building Permit, a Final Planned Development Overlay and Development Engineering Plan shall be approved;**
- 3. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;**
- 4. Upon submittal of a Final Planned Development Overlay application, a drainage plan shall be submitted for review and approval demonstrating that water quality and detention is being provided. In addition, drainage easement shall be secured as needed;**
- 5. Upon submittal of a Final Planned Development Overlay application, a sewer, water, and stormwater analysis shall be submitted to verify project feasibility;**
- 6. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to show the proposed lot's northern boundary being 50 feet south of the section line;**
- 7. Upon submittal of a Final Planned Development Overlay application, a Traffic Impact Study shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual Section 2.17;**
- 8. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to show a sidewalk within the E. Anamosa Street and Radiant Avenue rights-of-way as they abut the subject property or an Exception shall be obtained from the City Council;**
- 9. Upon submittal of a Final Planned Development Overlay application, a landscape plan shall be submitted for review and approval. In particular, the landscape plan shall include a minimum of 577,682 landscape points. In addition, the landscape plan shall demonstrate that the required landscape points are being provided for each phase of the development;**
- 10. Upon submittal of a Final Planned Development Overlay application, the parking plan shall continue to show 1.5 parking spaces per dwelling unit, five spaces per 1,000 square feet of office space, and 1 space per 150 square feet of pool area with ADA parking in compliance with Chapter 17.50.270.H of the Rapid City Municipal Code. In addition, the parking plan shall continue to demonstrate that the requiring number of spaces are being provided for each phase of the**

- development;
11. Upon submittal of a Final Planned Development Overlay application, the applicant shall demonstrate that a minimum of 400 square feet of usable open space per unit is being provided for each phase of the development. In addition, adequate open space shall be demonstrated on the site plan for each phase of development;
  12. Upon submittal of a Final Planned Development Overlay application, plans for the swimming pool in compliance with Chapter 17.50.320 of the Rapid City Municipal Code shall be submitted for review and approval;
  13. Upon submittal of a Final Planned Development Overlay application, a sign package in conformance with Chapter 17.50.080 of the Rapid City Municipal Code shall be submitted for review and approval if signage is being proposed. No electronic signs are being approved as a part of this Initial Planned Development Overlay. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign;
  14. Prior to submittal of a Final Planned Development Application, the applicant shall submit a current Master Plan for the Diamond Ridge Subdivision. In addition, upon submittal of a Final Planned Development Overlay application, a revised Master Plan shall be submitted for review and approval to determine if the street should extend through the property. Upon submittal of the Final Planned Development Overlay application, the site plan shall be revised to show the approved design of the street;
  15. Upon submittal of a Final Planned Development Overlay application, a lighting plan shall be submitted for review and approval. All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,
  16. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Initial and/or Final Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)

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7. No. 21PL092 - Highpointe Crescent  
A request by KTM Design Solutions, Inc for Watershed Development, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 5 of Block 1 of HighpointeCresent, legally described as the E1/2 less the W1/2 of the SW1/4 of the NW1/4 of the NE1/4, less the NW1/4 of the NW1/4 of the SW1/4 of the NE1/4, less the E1/2 of the NE1/4 of the SW1/4 of the SE1/4, less the SE1/4 of the SE1/4 and less Highpionte Ranch Subdivision, located in Section

20, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located western terminus of Castle Garden Court.

Fisher presented the application and reviewed the associated slides noting where the access points will be located for the lots being proposed. Fisher identified two future CIP projects that will help accommodate the future traffic needs of the area and noted one of the stipulations of approval for this application is the applicant must seek an exception from City Council regarding the number of lots allowed with one point of access or they will have to revise the plan to create a second access point.

Discussion was had regarding traffic, parking and right of way requirements.

**Bulman motioned, Vidal seconded and the Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

- 1. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained from City Council to allow 68 dwelling units with one point of access in lieu of a maximum of 40 dwelling units or the plat document shall be revised to provide a second point of access;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Castle Garden Court shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a lane place street or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb at the street terminus shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, access to proposed Lot 1 shall be identified. In addition, construction plans for the driveway shall be submitted for review and approval meeting pavement width and approach clearances pursuant to the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
- 5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
- 6.. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and**

issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;

7. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
8. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
9. Prior to submittal of a Final Plat, the subject property shall be annexed into the City limits of Rapid City and rezoned from No Use District to Park Forest District;
10. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property. In addition, a copy of the approved plan shall be submitted with the Final Plat application;
11. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable;
12. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative
13. Upon submittal of a Final Plat application, the plat document shall show the dedication of right-of-way for the 33-foot wide section line highway(s) located on the subject property or the section line highway(s) shall be vacated;
14. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
15. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)

8. No. 21RZ019 - Highpointe Ranch Subdivision

A request by KTM Design Solutions, Inc for Watershed II, LLC to consider an application for a **Rezoning request from No Use District to Low Density Residential District II** for portions of the NE1/4, and the SE1/4, Section 20, T1N, R7E, BHM,, Pennington County, South Dakota, commencing at the East 1/4 corner of Section 20, T1N, R7E, being monumented by a 8"x6"x6" granite stone, and being the point of beginning; Thence (1) with the east boundary of said Section 20, North 0°08'06" West, 841.48 feet; Thence (2) North 57°53'10" West, 911.33 feet; Thence (3) North 38°30'50" West, 620.65 feet; Thence (4) South 0°10'16" East, 483.60 feet; Thence (5) North 89°45'37" West, 822.36 feet; Thence (6) South 16°17'46" West, 102.05 feet; Thence (7) South 0°02'34" West, 222.42 feet; Thence



(8) South 30°17'54" West, 187.39 feet; Thence (9) South 61°07'59" West, 150.61 feet; Thence (10) South 8°02'38" West, 291.70 feet; Thence (11) South 13°52'34" East, 198.33 feet; Thence (12) South 0°02'45" West, 136.86 feet; Thence (13) South 24°12'42" West, 162.57 feet; Thence (14) North 89°44'57" West, 174.38 feet; Thence (15) South 0°12'27" East, 1,454.15 feet; Thence (16) North 89°47'44" East, 823.62 feet; Thence (17) North 0°12'47" West, 124.89 feet; Thence (18) South 89°51'13" East, 329.43 feet; Thence (19) South 89°48'07" East, 1,318.31 feet to a point on the east boundary of aforementioned Section 20; Thence (20) with the east boundary of said Section 20, North 0°13'36" West, 1,320.91 feet to the point of beginning, more generally described as being located north of terminus of Cloud Peak Drive.

Fisher stated the application will be continued to the October 21, 2021 Planning Commission Meeting.

**Vidal motioned, Arguello seconded and Planning Commission approved that the Rezoning request from No Use District to Low Density Residential District II be continued to the October 21, 2021 Planning Commission Meeting to allow the applicant time to submit a Traffic Impact Study. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

9. Discussion Items

10. Staff Items

Fisher commented that Wade Nyberg is leaving the City of Rapid City and that Kinsley Groote will now be the representative from the City Attorney's Office for the Planning Commission.

11. Planning Commission Items

**DIGITAL MEDIA SUBMISSIONS FOR MEETING PRESENTATIONS**

**There being no further business, Caesar moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:21 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**